

**REMARKS**

In the Office Action<sup>1</sup>, the Examiner rejected claims 1, 2, 4, and 5 under 35 U.S.C § 101, and rejected claims 1 and 4 under 35 U.S.C § 102(b) as being anticipated by U.S. Patent No. 5,933,534 to Yoshimoto et al. ("*Yoshimoto*").

By the present amendment, Applicant amends claims 1, 2, 4, and 5, and adds new claims 7-10. Exemplary support for the amended features and the new claims can be found in, for example, Figure 1, refs. 12 and 22; and pages 37-39 of the original specification. Claims 1, 2, 4, 5, and 7-10 are now pending.

Applicant respectfully traverses the rejection of claims 1, 2, 4, and 5 under 35 U.S.C § 101 as being directed to non-statutory subject matter. However, in order to advance prosecution, Applicant amends claim 1 to recite "a decoder" and "a control unit." Claim 2 depends from claim 1. Thus, claims 1 and 2 recite statutory subject matter, and accordingly, the Examiner should withdraw the rejection of claims 1 and 2 under 35 U.S.C § 101.

Independent claim 4 recites, in part, an "image decoding method being performed by a decoder" and "performing, by using the decoder, a first process." Independent claim 4 is now tied to a decoder. Claim 5 depends from claim 4. Accordingly, claims 4 and 5 satisfy 35 U.S.C. § 101.

Inasmuch as all the grounds of rejections for claims 2 and 5 have been overcome, these claims are now in condition for allowance. Accordingly, Applicant respectfully requests the Examiner to indicate claims 2 and 5 recite allowable subject matter.

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<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

Applicant respectfully traverses the rejection of claims 1 and 4 under 35 U.S.C § 102(b) as being anticipated by *Yoshimoto*.

Independent claim 1 recites “a control unit configured to control the decoder based on types of a mode signal received by the control unit such that the decoder” and a “decoder” that performs “a first process,” “a second process,” and “a third process” based on a first, second, and third type of “mode signal.” *Yoshimoto* fails to disclose, or even suggest, at least the claimed decoder performing the first, second, and third process under the control of a first, second, and third type of mode signal.

*Yoshimoto* discloses:

A decode information extracting means 211 obtains the decode information DDa supplied thereto from the ECC decoder 14 shown in FIG. 1B through the input terminal 41, and supplies the GOP header data and the inter/intra selection signal SEL contained in the decode information DDa thus obtained to the timing control means 208 and a switching control means 212, respectively.

The switching control means 212 supplies the inter/intra selection signal SEL supplied thereto from the decode information extracting means 211 to the switch 51 to effect the inter/intra switching. (Col. 30, lines 54-64).

Further, *Yoshimoto* discloses a video decoder 200v that is controlled by a selection signal and that uses decode information DDa to perform decoding. (Fig. 9 and col. 31, lines 12-19). However, decoder 200v of *Yoshimoto* does not constitute the claimed “decoder” as recited in claim 1. This is because decoder 200v of *Yoshimoto* does not perform “a first process,” “a second process,” and “a third process” based on a first, second, and third type of “mode signal.” Instead, the decoding in *Yoshimoto* is based on a selection signal and decode information DDa. Accordingly, *Yoshimoto* fails to anticipate claim 1 for at least these reasons.

Independent claim 4, while of different scope than claim 1, distinguishes over *Yoshimoto* for at least similar reasons as claim 1.

New claims 7-10 are also allowable based on their dependency on one of independent claims 1 and 4, and further due to the features recited therein.

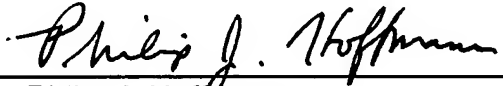
In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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